

REMARKS

Claims 3-12, 14-17, 19-22, 24-30, and 32-38 are pending in the present application. In the above amendments, claim 2 will be cancelled, claims 5, 7, 24, 29, 30, and 35 are amended, and new claims 39-45 have been added. Therefore, after entry of the above amendments, claims 3-12, 14-17, 19-22, 24-30, and 32-45 will be pending in this application. Applicants believe that the present application is now in condition for allowance, which prompt and favorable action is respectfully requested.

1. **Rejection under 35 U.S.C. 102(b)**

The Examiner rejected Claims 3-7, 9-12, 15-17, 19-22, 24-30, and 32-38 as being allegedly anticipated by McTuffin (U.S. Patent No. 5,046,550). Applicants respectfully respond to this rejection.

Applicants respectfully submit that McTuffin does not disclose “formatting information to be transmitted . . . in accordance with a pre-determined data format, said pre-determined format lacking data network header information,” as originally claimed in all independent claims (5, 9, 22, 24, 29, and 35) and disclosed page 7, lines 31-35. On the contrary, MCTuffin discloses that “residual header plus information field are forwarded to the radio equipment.” (Col. 3, lines 35-37), as opposed to only actual data payload. Therefore, since McTuffin does not disclose at least the above claimed limitation, Applicants respectfully request the Examiner to withdraw this rejection.

Applicants respectfully submit that McTuffin does not disclose “formatting information includes formatting said information to at least one vocoder-like frames,” as now claimed in independent claims 39-45, and disclosed on page 7, line 35 to page 8, line 7; meaning that only actual data payload is transmitted. Therefore, since McTuffin does not disclose at least the above claimed limitation, Applicants respectfully request the Examiner to withdraw this rejection.

Applicants respectfully submit that McTuffin does not disclose “formatted information is transmitted (received) after an acknowledgement has been received from (transmitted by) said receiving station,” as claimed in claims 6, 36, 37, 24, 30, and 38. Contrary to the Examiner’s assertion that establishing mere connection suggests an “inherent acknowledgement,” which Applicants disagree with, the claimed limitation conditions transmission of the formatted information upon receiving an explicit

acknowledgement from the receiving station. Col. 3, lines 17-30 does not disclose or even suggest this limitation. Therefore, since McTuffin does not disclose at least the above claimed limitation, Applicants respectfully request the Examiner to withdraw this rejection.

2. Rejection under 35 U.S.C. 103(a)

The Examiner rejected Claim 8 as being allegedly unpatentable over McTuffin (U.S. Patent No. 5,046,550). Applicants respectfully respond to this rejection.

Applicants respectfully submit that McTuffin does not disclose the claimed invention as discussed above in connection with Claim 5. Therefore, since MCTuffin does not disclose at least the above limitations, Applicants respectfully request the Examiner to withdraw this rejection.

3. New Claims

Applicants have added new claims 39-45, directed to subject matter disclosed in the specification, page 7, line 31 to page 8, line 10. No new matter is added.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: September 30, 2004

By: Abdollah Katbab
Abdollah Katbab, Reg. No. 45,325
(858) 651-4132

QUALCOMM Incorporated
Attn: Patent Department
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-5787
Facsimile: (858) 658-2502